

VIRGINIA:

BOOK 575 PAGE 893

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 01-0821-0909

ELECTIONS: UNIT AW-109  
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on December 18, 2001 which was recorded at Deed Book 544, Page 421 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on January 10, 2002, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit AW-109;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

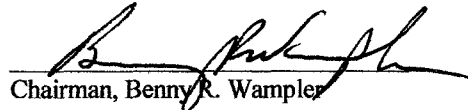
ENTERED

**Mailing of Order and Filing of Affidavit:** The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven seven (7) days from the date of receipt of this Order.

**Conclusion:** Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

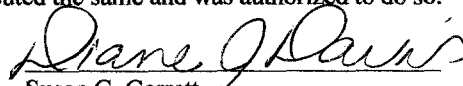
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 18<sup>th</sup> day of February, 200<sup>3</sup>, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

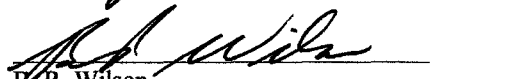
STATE OF VIRGINIA  
COUNTY OF WISE

Acknowledged on this 18<sup>th</sup> day of February, 200<sup>3</sup>, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary

My commission expires: 9/30/05.

DONE AND PERFORMED THIS 19<sup>th</sup> day of February, 200<sup>3</sup>, by Order of the Board.

  
B. R. Wilson,  
Director of the Division of Gas & Oil Board and  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 19<sup>th</sup> day of February, 200<sup>3</sup>, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.

  
Diane J. Davis, Notary

My commission expires: 9/30/05.

Order Recorded Under Code of  
Virginia Section 45.1-361.25

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit AW-109  
VGOB-01-0821-0909 in the New Garden District of Russell County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") REGARDING  
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on December 18, 2001, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on January 10, 2002;

That the designated operator POCAHONTAS GAS PARTNERSHIP has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

James D. Rasnake

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of December 18, 2001;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator, no longer have an interest, etc.:

Doris Smith, Marvin Fuller, Jackie Rasnake, Nelson Ray, Betty Rasnake, Louella Rasnake, Goldine Lilly, Richard E. Rose, Arcel Rose, Hassel Raymond Abshire, Daniel Abshire, Anna Nuckles, Tolvy "Tracy" Perkins, Carolyn Whited, Kimberly Lynn Street, Dexter Perkins and Lennie Perkins

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

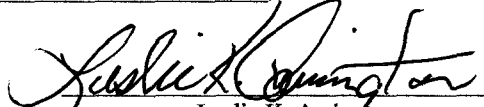
See attached Exhibit B-2

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

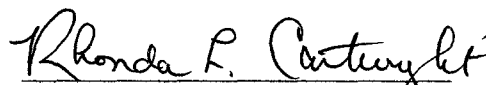
See attached Exhibit EE

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 3rd day of October, 2002.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Gas Engineer of Consol Energy Inc., on behalf of the corporate Designated Operator, this 3rd day of October, 2002.

  
Notary

My commission expires: 10/31/05.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED  
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK

543461-137

N 305,649.74  
E 982,170.94

N 305,592.33  
E 983,769.42

58.7 ACRE UNIT

1A

1C

CBM-PGP-AW109

1B

2

3

N 304,050.96  
E 982,113.52

N 303,993.55  
E 983,712.00

W.E.  
2390.5

EXHIBIT A  
MIDDLE RIDGE 1 FIELD  
UNIT AW-109  
FORCE POOLING  
VGOB-01-0821-0909

Company Pocahontas Gas Partnership Well Name and Number UNIT AW109  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Hondker  
County Russell District New Garden Scale: 1" = 400' Date 7/14/01  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-CO-7  
Rev. 9/91

Claude D. Meyer  
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

**POCAHONTAS GAS PARTNERSHIP****Unit AW-109****Tract Identifications****(58.7 Acre Unit)**

- 1A. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal, Oil & Gas  
 Coal Lessee  
 Sandy Ridge Energy Company - Above Drainage Coal Leased  
 Reserve Coal Properties Company - Oil & Gas Leased  
 Pocahontas Gas Partnership - CBM Leased  
 Billy Helton - Surface  
 15.53 acres 26.4566 %
- 1B. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal  
 Coal Lessee  
 Sandy Ridge Energy Company - Above Drainage Coal Leased  
 Pocahontas Gas Partnership - CBM Leased  
 Jacob Fuller Heirs or Successors - Oil & Gas  
 Buckhorn Coal Company - Surface  
 17.45 acres 29.7274 %
- 1C. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Fee  
 Coal Lessee  
 Sandy Ridge Energy Company - Above Drainage Coal Leased  
 Reserve Coal Properties Company - Oil & Gas Leased  
 Pocahontas Gas Partnership - CBM Leased  
 6.12 acres 10.4259 %
2. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal  
 Coal Lessee  
 Sandy Ridge Energy Company - Above Drainage Coal Leased  
 Pocahontas Gas Partnership - CBM Leased  
 Earl Whited - Surface, Oil & Gas  
 Pocahontas Gas Partnership - Oil, Gas and CBM Leased  
 16.79 acres 28.6031 %
3. Buckhorn Coal Company (H. C. Stuart 405 Acre Tract) - Coal  
 Coal Lessees  
 Reserve Coal Properties Company - Below Drainage Coal Leased  
 Sandy Ridge Energy Company - Above Drainage Coal Leased  
 Pocahontas Gas Partnership - CBM Leased  
 Earl Whited - Surface, Oil & Gas  
 Pocahontas Gas Partnership - Oil, Gas and CBM Leased  
 2.81 acres 4.7870 %

Exhibit B-2  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Respondents to be Dismissed

BOOK 570 PAGE 1009

	Acres in Unit	Interest in Unit	Reason for Dismissal
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #1B, 17.45 acres</u></b>			
<b>Jacob Fuller Heirs, Devisees, Successors or Assigns</b>	17.45 acres	29.727%	
(1) Elizabeth Compton Heirs, Devisees, Successors or Assigns			
(a) Claude and Lauran Compton Heirs			
(a.4) Doris Smith 3108 Star Route 98 Bucyrus, OH 44820	0.08079 acres 0.004630 of 17.45 acres	0.1376%	Leased
(4) William T. Fuller Heirs, Devisees Successors or Assigns			
(a) Marvin Fuller 399 W. G. Street Elizabethton, TN 37643	<i>*Bought by Mike &amp; James Rasnake</i>		Sold interest
(5) Laura Fuller Rasnake Heirs, Devisees Successors or Assigns			
(a) Fred Rasnake Heirs, Devisees, Successors or Assigns			
(a.2) Jackie Rasnake, Widow 565 49th Street SW Canton, OH 44706	<i>*Bought by Mike &amp; James Rasnake</i>		Sold interest
(b) Cora Faye Ray Heirs, Devisees, Successors or Assigns			
(b.1) Nelson Ray 331 Hillman Drive Honaker, VA 24260	<i>*Bought by Mike &amp; James Rasnake</i>		Sold interest
(d) Ralph Rasnake Heirs, Devisees, Successors or Assigns			
(d.1) Betty Rasnake, Widow P.O. Box 533 Honaker, VA 24260	<i>*Bought by Mike &amp; James Rasnake</i>		Sold interest
(e) James Earl Rasnake Heirs, Devisees, Successors or Assigns			
(e.1) Louella Rasnake, Widow Rt.1 Box 1218 Pounding Mill, VA 24637-9740	<i>*Bought by Mike &amp; James Rasnake</i>		Sold interest

Exhibit B-2  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Respondents to be Dismissed

BOOK 572 PAGE 1000

	Acres in Unit	Interest in Unit	Reason for Dismissal
(9) Ellen Brown Heirs, Devisees, Successors or Assigns			
(a) Goldine Lilly 303 Wolfe Creek Road Spanishburg, WV 25922	0.06980 acres 0.004000 of 17.45 acres	0.1189%	Leased
(b) Richard E. Rose 1406 South Avenue Princeton, WV 24740	0.06980 acres 0.004000 of 17.45 acres	0.1189%	Leased
(c) Arcel Rose P.O. Box 1705 Beaver, WV 25813	0.06980 acres 0.004000 of 17.45 acres	0.1189%	Leased
(e) Hassel Ray Abshire 1074 Beckley Road Camp Creek, WV 25820	0.01164 acres 0.000667 of 17.45 acres	0.0198%	Leased
(g) Daniel Abshire 211 Mine Branch Road Crimora, VA 24431	0.01164 acres 0.000667 of 17.45 acres	0.0198%	Leased
(i) Anna Nuckles Rt.1 Box 156 Vansant, VA 24565	0.09308 acres 0.005334 of 17.45 acres	0.1586%	Leased
(j) Tolvy "Tracy" Perkins 763 Bridge Drive Pasadena, MD 21122	0.09308 acres 0.005334 of 17.45 acres	0.1586%	Leased
(w) Carolyn Whited 15194 Porterfield Highway Abingdon, VA 24210	0.03490 acres 0.002000 of 17.45 acres	0.0595%	Leased
(ag) Kimberly Lynn Street Box 999 Honaker, VA 24260	0.01551 acres 0.000889 of 17.45 acres	0.0264%	Not an owner
(ag) Dexter Perkins Heirs, Devisees, Successors or Assigns			Deceased
(ag.1) Lennie E. Perkins 3814 Ludgate Drive Chesapeake, VA 23321	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Leased (Heir of Dexter Perkins)



Exhibit B-3  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Unleased Owners/Claimants

BOOK 57, PAGE 101

	Acres in Unit	Interest in Unit	Election
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #1B, 17.45 acres</u></b>			
<b>Jacob Fuller Heirs, Devisees, Successors or Assigns</b>	17.45 acres	29.727%	
(1) Elizabeth Compton Heirs, Devisees, Successors or Assigns			
(b) Trula Morgan P.O. Box 369 Swords Creek, VA 24649	0.32316 acres 0.018519 of 17.45 acres	0.5505%	Deemed Leased
(c) Brady Massie Heirs, Devisees, Successors or Assigns			
(c.2) Leroy Massie P.O. Box 794 Honaker, VA 24260	0.06463 acres 0.003704 of 17.45 acres	0.1101%	Deemed Leased
(2) Alta Cordell Heirs, Devisees, Successors or Assigns			
(a) Edna Shaffer Heirs, Devisees, Successors or Assigns			
(a.1) Virgie Correll Address Unknown	1.93889 acres 0.111111 of 17.45 acres	3.3030%	Deemed Leased
(5) Laura Fuller Rasnake Heirs, Devisees Successors or Assigns			
(b) Cora Faye Ray Heirs, Devisees, Successors or Assigns			
(b.2) Lucy Blankenship HC65 Box 103 Rowe, VA 24649	0.16157 acres 0.009259 of 17.45 acres	0.2752%	Deemed Leased
(c) Michael Rasnake Rt.2 Box 497 Honaker, VA 24260	1.85813 acres 0.106483 of 17.45 acres	3.1655%	Deemed Leased
(f) James D. Rasnake 22484 Montego Bay Road Abingdon, VA 24211	1.85813 acres 0.106483 of 17.45 acres	3.1655%	Carried Operator
(6) Eunice Nuckles Heirs, Devisees Successors or Assigns			
(a) Finley Nuckles Heirs, Devisees, Successors or Assigns			
(a.2) Carolyn Carty 1614 River Creek Drive Suffolk, VA 23434	0.19389 acres 0.011111 of 17.45 acres	0.3303%	Deemed Leased

Exhibit B-3  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Unleased Owners/Claimants

BOOK 575 PAGE 102

	Acres in Unit	Interest in Unit	Election
(b) Hestor Anwood & Marie Blankenship Heirs, Devisees, Successors or Assigns			
(b.1) Patty Chambers Rt.1 Box 82 Raven, VA 24639	0.77555 acres 0.044444 of 17.45 acres	1.3212%	Deemed Leased
(c) Ruth Coleman Heirs, Devisees, Successors or Assigns			
(c.1) Mellie Coleman Address Unknown	0.19390 acres 0.011112 of 17.45 acres	0.3303%	Deemed Leased
(c.2) Michael Coleman Address Unknown	0.19390 acres 0.011112 of 17.45 acres	0.3303%	Deemed Leased
(d) Irene Minnix Heirs, Devisees, Successors or Assigns			
(d.1) Debbie Penaly Address Unknown	0.38777 acres 0.022222 of 17.45 acres	0.6606%	Deemed Leased
(7) Emily Keen Heirs, Devisees, Successors or Assigns			
(e) Mason Whited Rt.1 Box 670 Swords Creek, VA 24649	0.24236 acres 0.013889 of 17.45 acres	0.4129%	Deemed Leased
(f) Eugene Whited 25429 Briarwood Drive Columbia Station, OH 44028	0.24236 acres 0.013889 of 17.45 acres	0.4129%	Deemed Leased
(8) Elbert Fuller Heirs, Devisees, Successors or Assigns			
(a) Arnold Fuller Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	Deemed Leased
(b) Ollie Wilson Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	Deemed Leased
(c) Dora Webb Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	Deemed Leased
(d) Leona Beavers Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	Deemed Leased
(9) Ellen Brown Heirs, Devisees, Successors or Assigns			
(d) Luther Abshire, Jr. Heirs, Devisees, Successors or Assigns			
(d.1) Cathy Tisdale 54 Jennie Lynn Crimora, VA 24431	0.00581 acres 0.000333 of 17.45 acres	0.0099%	Deemed Leased

**Exhibit B-3**  
**CBM-PGP-AW109**  
**Docket No. VGOB-01-0821-0909**  
**List of Unleased Owners/Claimants**

BOOK 575 PAGE 17003

	Acres in Unit	Interest in Unit	Election
(d.2) John Abshire 236 Meadow Rue Lane Crimora, VA 24431	0.00581 acres 0.000333 of 17.45 acres	0.0099%	Deemed Leased
(f) Helen Parr 37 Crimora Mine Road Crimora, VA 24431	0.01164 acres 0.000667 of 17.45 acres	0.0198%	Deemed Leased
(h) Fred K. Abshire Rt.1 Box 287D Linhurst, VA 22952	0.01164 acres 0.000667 of 17.45 acres	0.0198%	Deemed Leased
(k) Ester Newton 2621 Veda Drive Bristol, VA 24201	0.09308 acres 0.005334 of 17.45 acres	0.1586%	Deemed Leased
(l) Myrtle Lee Norton Heirs, Devisees, Successors or Assigns			
(l.1) Mitzi Helbert 35 Pace Drive Bristol, VA 24201	0.06882 acres 0.003944 of 17.45 acres	0.1172%	Deemed Leased
(l.2) Michael Whitt <i>Address Unknown</i>	0.06882 acres 0.003944 of 17.45 acres	0.1172%	Deemed Leased
(m) Carson Brown P.O. Box 105 Rosedale, VA 24280	0.13766 acres 0.007889 of 17.45 acres	0.2345%	Deemed Leased
(n) Tivis Brown Rt.1 Box 257 Swords Creek, VA 24649	0.13766 acres 0.007889 of 17.45 acres	0.2345%	Deemed Leased
(o) Mildred Hale Rt.1 Box 197 Swords Creek, VA 24649	0.13766 acres 0.007889 of 17.45 acres	0.2345%	Deemed Leased
(p) Judy Farmer HC65 Box 45 Vansant, VA 24656	0.03490 acres 0.002000 of 17.45 acres	0.0595%	Deemed Leased
(q) Pauline Presley 1302 W. Ajo Way 308 Tucson, AZ 85713	0.03490 acres 0.002000 of 17.45 acres	0.0595%	Deemed Leased
(r) Clarence Whited Rt.1 Box 356 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%	Deemed Leased
(s) Bobby Whited P.O. Box 243 Bastian, VA 24314	0.03490 acres 0.002000 of 17.45 acres	0.0595%	Deemed Leased
(t) Delma Coleman P.O. Box 506 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%	Deemed Leased

Exhibit B-3  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Unleased Owners/Claimants

BOOK 575 PAGE 1004

	Acres in Unit	Interest in Unit	Election
(u) Helen Patterson 2260 McBrager Court Cumming, GA 30130	0.04040 acres 0.002315 of 17.45 acres	0.0688%	Deemed Leased
(v) Fayne Whited P.O. Box 1142 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%	Deemed Leased
(x) Lucille Pendell 95 Spring Valley Road Bristol, VA 24201	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(y) Elmer Brown Rt. 1 Box 476 Vansant, VA 24565	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(z) Garland Brown P.O. Box 215 Rosedale, VA 24280	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(aa) Pauline Brown HC65 Box 45 Oakwood, VA 24631	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(ab) Carl Brown 12077 Salem Church Road King George, VA 22485	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(ac) Emory Brown 15222 Michigan Road Woodbridge, VA 22191	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(ad) Earl Brown 327 Meadow Crest Drive Bristol, VA 24201	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(ae) Richard Brown Box 182 Maple Hurst Lane Bluff City, TN 37618	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(af) Virgil K. Street Box 999 Honaker, VA 24260	0.03103 acres 0.001778 of 17.45 acres	0.0529%	Deemed Leased
(ag) Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Deemed Leased
(ai) Chester C. Smith 1020 Buena Vista Road South Vienna, OH 45369	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Deemed Leased
(aj) Audry Blankenship HC63 Box 142A Jewell Ridge, VA 24622	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Deemed Leased

**Exhibit B-3**  
**CBM-PGP-AW109**  
**Docket No. VGOB-01-0821-0909**  
**List of Unleased Owners/Claimants**

BOOK 572 PAGE 1005

	Acres in Unit	Interest in Unit	Election
(ak) Wayne E. Smith 175 Sylvan Shores Drive South Vienna, OH 45369	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Deemed Leased
(al) Jesse Street 772 Big Creek Road Richlands, VA 24641	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Deemed Leased
(am) Elster Hurley 1509 Norway Street Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Deemed Leased
(an) Frankie Ratliff c/o Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%	Deemed Leased
(ao) Dr. L.M. Harrison Heirs, Devisees, Successors or Assigns Address Unknown	0.24236 acres 0.013889 of 17.45 acres	0.4129%	Deemed Leased

Exhibit E  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Conflicting Owners/Claimants that require escrow

BOOK 57 PAGE 1-506

	Acres in Unit	Interest in Unit
<b><u>Tract #1B, 17.45 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	17.45 acres	29.727%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
<b><i>Jacob Fuller Heirs, Devisees, Successors or Assigns</i></b>	17.45 acres	29.727%
(1) Elizabeth Compton Heirs, Devisees, Successors or Assigns		
(a) Claude and Lauran Compton Heirs		
(a.1) Genevia Cotsmire 215 Kanawha Avenue Dunbar, WV 25064	0.08079 acres 0.004630 of 17.45 acres	0.1376%
(a.2) Della Meadows P.O. Box 823 Honaker, VA 24260	0.08079 acres 0.004630 of 17.45 acres	0.1376%
(a.3) Margaret Kleffman 5112 Kingsport Highway Gray, TN 37615	0.08079 acres 0.004630 of 17.45 acres	0.1376%
(a.4) Doris Smith 3108 Star Route 98 Bucyrus, OH 44820	0.08079 acres 0.004630 of 17.45 acres	0.1376%
(b) Trula Morgan P.O. Box 369 Swords Creek, VA 24649	0.32316 acres 0.018519 of 17.45 acres	0.5505%
(c) Brady Massie Heirs, Devisees, Successors or Assigns		
(c.1) James Massie P.O. Box 682 Honaker, VA 24260	0.06463 acres 0.003704 of 17.45 acres	0.1101%
(c.2) Leroy Massie P.O. Box 794 Honaker, VA 24260	0.06463 acres 0.003704 of 17.45 acres	0.1101%
(c.3) Ruby & Leroy Lester 627 Twin Oak Circle Lebanon, VA 24266	0.06463 acres 0.003704 of 17.45 acres	0.1101%
(c.4) Gladys Puckett P.O. Box 153 Easley, SC 29641	0.06463 acres 0.003704 of 17.45 acres	0.1101%

**Exhibit E**  
**CBM-PGP-AW109**  
**Docket No. VGOB-01-0821-0909**  
**List of Conflicting Owners/Claimants that require escrow**

BOOK 573 PAGE 2407

	Acres in Unit	Interest in Unit
(c.5) David & Debra Taylor 1580 Kenmore Drive Kingsport, TN 37664	0.06463 acres 0.003704 of 17.45 acres	0.1101%
(d) Nelson Compton Rt.2 Box 190 Honaker, VA 24260	0.32316 acres 0.018519 of 17.45 acres	0.5505%
(e) Mary Keen 703 Baker Street Mt. Gilead, OH 43335	0.32316 acres 0.018519 of 17.45 acres	0.5505%
(f) Lacy Richardson Heirs, Devisees, Successors or Assigns		
(f.1) William Earl Richardson 1140 Texarkana Drive Indianapolis, IN 46231	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(f.2) Nelson Richardson 1124 Texarkana Drive Indianapolis, IN 46231	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(f.3) Fred Richardson 9019 Broken Arrow Road Indianapolis, IN 46234	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(f.4) Roger Richardson 4313 E. 46th Street Indianapolis, IN 46231	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(f.5) Alice Marie Musick 7981 N. 875 W Indianapolis, IN 46259	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(f.6) Betty Doty 875 W. 6779 Lambert Street Indianapolis, IN 46241	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(f.7) Linda Cook 111 Monterey Drive Mooresville, NC 28115	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(f.8) Violet Dunn 8607 Mosey Manor Indianapolis, IN 46231	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(2) Alta Cordell Heirs, Devisees, Successors or Assigns		
(a) Edna Shaffer Heirs, Devisees, Successors or Assigns		
(a.1) Virgie Correll Address Unknown	1.93889 acres 0.111111 of 17.45 acres	3.3030%

**Exhibit E**  
**CBM-PGP-AW109**  
**Docket No. VGOB-01-0821-0909**  
**List of Conflicting Owners/Claimants that require escrow**

BOOK 573 PAGE 1008

	Acres in Unit	Interest in Unit
(3) Myrtle Rowe Heirs, Devisees Successors or Assigns		
(a) Ellen Fletcher HC65 Box 27A Rowe, VA 24649	1.93889 acres 0.111111 of 17.45 acres	3.3030%
(5) Laura Fuller Rasnake Heirs, Devisees Successors or Assigns		
(b) Cora Faye Ray Heirs, Devisees, Successors or Assigns		
(b.2) Lucy Blankenship HC65 Box 103 Rowe, VA 24649	0.16157 acres 0.009259 of 17.45 acres	0.2752%
(f) James D. Rasnake 22484 Montego Bay Road Abingdon, VA 24211	1.85813 acres 0.106483 of 17.45 acres	3.1655%
(6) Eunice Nuckles Heirs, Devisees Successors or Assigns		
(a) Finley Nuckles Heirs, Devisees, Successors or Assigns		
(a.1) Betty Nuckles, Widow 275 Beverly Drive Abingdon, VA 24210	<i>Life Estate</i>	
(a.2) Carolyn Carty 1614 River Creek Drive Suffolk, VA 23434	0.19389 acres 0.011111 of 17.45 acres	0.3303%
(a.3) Beverly Nuckles 106 Little Pond Court Suffolk, VA 23434	0.19389 acres 0.011111 of 17.45 acres	0.3303%
(b) Hestor Arwood & Marie Blankenship Heirs, Devisees, Successors or Assigns		
(b.1) Patty Chambers Rt.1 Box 82 Raven, VA 24639	0.77555 acres 0.044444 of 17.45 acres	1.3212%
(c) Ruth Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Mellie Coleman <i>Address Unknown</i>	0.19390 acres 0.011112 of 17.45 acres	0.3303%
(c.2) Michael Coleman <i>Address Unknown</i>	0.19390 acres 0.011112 of 17.45 acres	0.3303%
(d) Irene Minnix Heirs, Devisees, Successors or Assigns		



**Exhibit E**  
**CBM-PGP-AW109**  
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**List of Conflicting Owners/Claimants that require escrow**

BOOK 57 PAGE 209

	Acres in Unit	Interest in Unit
(d.1) Debbie Penaly Address Unknown	0.38777 acres 0.022222 of 17.45 acres	0.6606%
(7) Emily Keen Heirs, Devisees, Successors or Assigns		
(a) Earl Whited Rt.1 Box 150 Swords Creek, VA 24649	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(b) Lydia Hess P.O. Box 43 Rosedale, VA 24280	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(c) Goldie Hess Star Route Box 118 Rowe, VA 24646	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(d) Corine Perkins P.O. Box 315 Rosedale, VA 24280	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(e) Mason Whited Rt.1 Box 670 Swords Creek, VA 24649	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(f) Eugene Whited 25429 Briarwood Drive Columbia Station, OH 44028	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(g) Arlene Compton Rt.2 Box 190 Honaker, VA 24260	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(h) Leona Shope P.O. Box 272 Rosedale, VA 24280	0.24236 acres 0.013889 of 17.45 acres	0.4129%
(8) Elbert Fuller Heirs, Devisees, Successors or Assigns		
(a) Arnold Fuller Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%
(b) Ollie Wilson Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%
(c) Dora Webb Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%
(d) Leona Beavers Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%
(9) Ellen Brown Heirs, Devisees, Successors or Assigns		

**Exhibit E**  
**CBM-PGP-AW109**  
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**List of Conflicting Owners/Claimants that require escrow**

BOOK 572-151-010

	Acres in Unit	Interest in Unit
(a) Goldine Lilly 303 Wolfe Creek Road Spanishburg, WV 25922	0.06980 acres 0.004000 of 17.45 acres	0.1189%
(b) Richard E. Rose 1406 South Avenue Princeton, WV 24740	0.06980 acres 0.004000 of 17.45 acres	0.1189%
(c) Arcel Rose P.O. Box 1705 Beaver, WV 25813	0.06980 acres 0.004000 of 17.45 acres	0.1189%
(d) Luther Abshire, Jr. Heirs, Devisees, Successors or Assigns		
(d.1) Cathy Tisdale 54 Jennie Lynn Crimora, VA 24431	0.00581 acres 0.000333 of 17.45 acres	0.0099%
(d.2) John Abshire 236 Meadow Rue Lane Crimora, VA 24431	0.00581 acres 0.000333 of 17.45 acres	0.0099%
(e) Hassel Raymond Abshire 1074 Beckley Road Camp Creek, WV 25820	0.01164 acres 0.000667 of 17.45 acres	0.0198%
(f) Helen Parr 37 Crimora Mine Road Crimora, VA 24431	0.01164 acres 0.000667 of 17.45 acres	0.0198%
(g) Daniel Abshire 211 Mine Branch Road Crimora, VA 24431	0.01164 acres 0.000667 of 17.45 acres	0.0198%
(h) Fred K. Abshire Rt. 1 Box 287D Linhurst, VA 22952	0.01164 acres 0.000667 of 17.45 acres	0.0198%
(j) Tolv "Tracy" Perkins 763 Bridge Drive Pasadena, MD 21122	0.09308 acres 0.005334 of 17.45 acres	0.1586%
(k) Ester Newton 2621 Veda Drive Bristol, VA 24201	0.09308 acres 0.005334 of 17.45 acres	0.1586%
(l) Myrtle Lee Norton Heirs, Devisees, Successors or Assigns		
(l.1) Mitzi Helbert 35 Pace Drive Bristol, VA 24201	0.06882 acres 0.003944 of 17.45 acres	0.1172%
(l.2) Michael Whitt Address Unknown	0.06882 acres 0.003944 of 17.45 acres	0.1172%

**Exhibit E**  
**CBM-PGP-AW109**  
**Docket No. VGOB-01-0821-0909**  
**List of Conflicting Owners/Claimants that require escrow**

BOOK 573-401-11

	Acres in Unit	Interest in Unit
(m) Carson Brown P.O. Box 105 Rosedale, VA 24280	0.13766 acres 0.007889 of 17.45 acres	0.2345%
(n) Tivis Brown Rt.1 Box 257 Swords Creek, VA 24649	0.13766 acres 0.007889 of 17.45 acres	0.2345%
(o) Mildred Hale Rt.1 Box 197 Swords Creek, VA 24649	0.13766 acres 0.007889 of 17.45 acres	0.2345%
(p) Judy Farmer HC65 Box 45 Vansant, VA 24656	0.03490 acres 0.002000 of 17.45 acres	0.0595%
(q) Pauline Presley 1302 W. Ajo Way 308 Tucson, AZ 85713	0.03490 acres 0.002000 of 17.45 acres	0.0595%
(r) Clarence Whited Rt.1 Box 356 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%
(s) Bobby Whited P.O. Box 243 Bastian, VA 24314	0.03490 acres 0.002000 of 17.45 acres	0.0595%
(t) Delma Coleman P.O. Box 506 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%
(u) Helen Patterson 2260 McBrager Court Cumming, GA 30130	0.04040 acres 0.002315 of 17.45 acres	0.0688%
(v) Fayne Whited P.O. Box 1142 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%
(w) Carolyn Whited 15194 Porterfield Highway Abingdon, VA 24210	0.03490 acres 0.002000 of 17.45 acres	0.0595%
(x) Lucille Pendell 95 Spring Valley Road Bristol, VA 24201	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(y) Elmer Brown Rt.1 Box 476 Vansant, VA 24565	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(z) Garland Brown P.O. Box 215 Rosedale, VA 24280	0.03103 acres 0.001778 of 17.45 acres	0.0529%

**Exhibit E**  
**CBM-PGP-AW109**  
**Docket No. VGOB-01-0821-0909**  
**List of Conflicting Owners/Claimants that require escrow**

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	Acres in Unit	Interest in Unit
(aa) Pauline Brown HC65 Box 45 Oakwood, VA 24631	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(ab) Carl Brown 12077 Salem Church Road King George, VA 22485	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(ac) Emory Brown 15222 Michigan Road Woodbridge, VA 22191	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(ad) Earl Brown 327 Meadow Crest Drive Bristol, VA 24201	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(ae) Richard Brown Box 182 Maple Hurst Lane Bluff City, TN 37618	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(af) Virgil K. Street Box 999 Honaker, VA 24260	0.03103 acres 0.001778 of 17.45 acres	0.0529%
(ag) Dexter Perkins Heirs, Devisees, Successors or Assigns		
(ag.1) Lennie E. Perkins 3814 Ludgate Drive Chesapeake, VA 23321	0.00389 acres 0.000223 of 17.45 acres	0.0066%
(ah) Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%
(ai) Chester C. Smith 1020 Buena Vista Road South Vienna, OH 45369	0.00389 acres 0.000223 of 17.45 acres	0.0066%
(aj) Audry Blankenship HC63 Box 142A Jewell Ridge, VA 24622	0.00389 acres 0.000223 of 17.45 acres	0.0066%
(ak) Wayne E. Smith 175 Sylvan Shores Drive South Vienna, OH 45369	0.00389 acres 0.000223 of 17.45 acres	0.0066%
(al) Jesse Street 772 Big Creek Road Richlands, VA 24641	0.00389 acres 0.000223 of 17.45 acres	0.0066%
(am) Elster Hurley 1509 Norway Street Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%

Exhibit E  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Conflicting Owners/Claimants that require escrow

BOOK 573 PAGE 2013

	Acres in Unit	Interest in Unit
(an) Frankie Ratliff c/o Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%
(ao) Dr. L.M. Harrison Heirs, Devisees, Successors or Assigns Address Unknown	0.24236 acres 0.013889 of 17.45 acres	0.4129%

**Tract #2, 16.79 acres**

**COAL FEE OWNERSHIP**

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	16.79 acres	28.603%
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**OIL & GAS FEE OWNERSHIP**

(1) Earl Whited Rt.1 Box 150 Swords Creek, VA 24649	16.79 acres	28.60%
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**Tract #3, 2.81 acres**

**COAL FEE OWNERSHIP**

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	2.81 acres	4.787%
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**OIL & GAS FEE OWNERSHIP**

(1) Earl Whited Rt.1 Box 150 Swords Creek, VA 24649	2.81 acres	4.79%
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Exhibit EE  
CBM-PGP-AW109  
Docket No. VGOB-01-0821-0909  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit
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Tract #1B, 17.45 acres

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	17.45 acres	29.727%
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OIL & GAS FEE OWNERSHIP

<b>Jacob Fuller Heirs, Devisees, Successors or Assigns</b>	17.45 acres	29.727%
(5) Laura Fuller Rasnake Heirs, Devisees Successors or Assigns		
(c) Michael Rasnake Rt.2 Box 497 Honaker, VA 24260	1.85813 acres 0.106483 of 17.45 acres	3.1655%
(9) Ellen Brown Heirs, Devisees, Successors or Assigns		
(i) Anna Nuckles Rt.1 Box 156 Vansant, VA 24565	0.09308 acres 0.005334 of 17.45 acres	0.1586%

0000801

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 2-25, 2003. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at \_\_\_\_\_ o'clock A M, after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: DOLLIE M. COMPTON, CLERK  
BY: Ann V. McReynolds D. CLERK

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
RUSSELL CIRCUIT COURT  
DEED RECEIPT

DATE: 02/25/03 TIME: 10:05:58 ACCOUNT: 147CLR030801 RECEIPT: 03000001496  
CASHIER: C55 REG: RU06 TYPE: DDU PAYMENT: FULL PAYMENT  
INSTRUMENT : 030801 BOOK: 575 PAGE: 833 RECORDED: 02/25/03 AT 10:05  
GRANTOR NAME : VIRGINIA GAS AND OIL BOARD EX: N LOCALITY: CO  
GRANTEE NAME : BOCHANAN GAS PARTNERSHIP EX: N PERCENT: 100%  
AND ADDRESS :  
RECEIVED OF : DEPT OF MHE  
CHECK : \$32.00  
DESCRIPTION 1: REPORT OF BOARD FINDINGS AND ORDER PAGE: 22  
2: NAMES: 0  
CONSIDERATION: .00 ASSUME/VAL: .00 MAP: PAID  
CODE DESCRIPTION PAID CODE DESCRIPTION PAID  
301 DEEDS 32.00  
TENDERED : 32.00  
AMOUNT PAID: 32.00  
CHANGE AMT : .00

CLERK OF COURT: BOLLIE M. COMPTON